

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|---------------------|
| JAMAL H. JENKS, |) | |
| |) | |
| Plaintiff, |) | Case No. 16-1388 |
| |) | |
| v. |) | Judge Cathy Bissoon |
| |) | |
| H&R BLOCK EASTERN ENTERPRISES, |) | |
| INC., |) | |
| |) | |
| Defendant. |) | |

ORDER

Defendant H&R Block Eastern Enterprises, Inc.'s Motion to Dismiss (Doc. 3) is
DENIED WITHOUT PREJUDICE.

Given that motions pursuant to Federal Rule of Civil Procedure 12(b) are discouraged if the pleading defect is curable by amendment, IT IS FURTHER ORDERED that the parties are to meet and confer prior to the filing of any renewed 12(b) motion to determine whether it can be avoided. Any subsequent motion to dismiss must be accompanied by a certificate of the Defendant, stating that it has made good faith efforts to confer with the Plaintiff to determine whether the identified pleading deficiencies properly may be cured by amendment. Any motion to dismiss that does not contain the required certification will be summarily denied.

IT IS SO ORDERED.

September 15, 2016

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):
All Counsel of Record